

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
SHANA GAVIOLA and JULIO
SANDOVAL,
Defendants.

Case No.: 1:22-cr-00233 JLT SKO

ORDER

On August 25, 2022, Defendant Shana Gaviola (“Defendant”) was indicted for Interstate Violation of Protection Order and Aiding and Abetting in violation of 18 U.S.C. §§ 2262(A)(2) and 2. The Assistant United States Attorney assigned to prosecute the case was recently selected by the district judges of this Court as the presumptive replacement for a retiring magistrate judge. Subsequent to his selection, the attorney was recently accused by the Defendant of prosecutorial misconduct based on an ex parte communication the attorney initiated after encountering the Defendant at a bar on May 25, 2023. Based thereon, the Defendant filed a motion to dismiss the indictment for willful misconduct based on violation of her Fifth Amendment due process rights, Sixth Amendment right to counsel, and discovery obligations under *Brady*, *Giglio*, and Rule 16. The attorney subsequently withdrew from representing the government. While the district court judge assigned to the case denied Defendant’s motion to dismiss the indictment, the judge

1 expressed serious concerns with impropriety or the appearance of impropriety.

2 This matter involves felony charges requiring resolution by a district judge. I certify that
3 each district judge in this District has approved the appointment of the attorney to replace the
4 retiring magistrate judge. Therefore, on the Court's own motion and pursuant to the Code of
5 Conduct for United States Judge, Canons 2 and 3, in order to avoid the appearance of
6 impropriety, and because a judge has a duty to disqualify him or herself if his or her impartiality
7 could be reasonably questioned, whether or not such impartiality actually exists, the Court recuses
8 itself from the above-captioned case. See 28 U.S.C. § 455(a). Accordingly, all District and
9 Magistrate Judges in the Eastern District of California are **RECUSED** from hearing case number
10 1:22-cr-00233 and all related matters. Further, the portion of the October 8, 2025, Order
11 transferring this case to the Northern District of California is **VACATED**. This matter is
12 **REFERRED** to Chief Judge Mary Murguia, of the United States Court of Appeals for the Ninth
13 Circuit, for the assignment to a judge other than from the Eastern District of California to sit by
14 designation and hear case number 1:22-cr-00233 and all related matters.

15 IT IS SO ORDERED.

16 DATED: October 9, 2025

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20 TROY L. NUNLEY
21 CHIEF UNITED STATES DISTRICT JUDGE
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